

**From:** jcrube@mail.wm.edu@inetgw  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

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To Whomever It May Concern,

In regards to the antitrust practices of Microsoft over the last few years, with special emphasis on it's predatory behavior to Netscape Communications and countless other software and computer makers, I feel that the current remedy being discussed is much to weak a reprimand for Microsoft. Microsoft has repeatedly shown that if it encounters any competitors in its expanding markets, it's initial reaction is to attempt to buy it out and then simply use it's products, or to produce a hastily made, inferior mimic of the competitor's product, and either sell its at a greatly reduced price or simply give it away for free as a bundled feature. This sort of predatory nature is common among monopolies, and Microsoft has stifled competition every chance it has had.

The remedies proposed are much too weak to inhibit Microsoft's desire to abuse it's power. While an actual splitting up of the company is implausible at this point, One prudent solution is to simply dismantle the system by which Microsoft has leveraged it's obscene power in the computer industry. Some have suggested that Microsoft release the source code to it's Windows operating system to the public for any company to use. This "open sourcing" while idealistically honest and in earnest, would not be the best solution, as Microsoft does not get by on the quality of it's operating system, only it's huge installer base. Releasing the code would lead to an abandonment of the Microsoft standard by nearly everyone as they would be able to use their existing programs and infrastructure on some free variant of the source code. some argue that this is the right solution, but the remedy should not be a death sentence for Microsoft, however much most software developers and consumers may wish it to be.

Instead, the more level headed solution is to even the playing field for all developers. What has allowed Microsoft to bundle it's own in house software and cripple the attempts of competitors in developing competing products is it's stringent API licensing. The API's are the protocols which allow a software developer to produce software which can intimately work in sync with the OS, thereby being more compatible and intrusive. It is with these API's that Microsoft bullies companies into unfair agreements, as without them, software developed for the Windows platform cannot run as smoothly as software programmed with the API tools. If any company can have access tot these API's, then Microsoft will not be able to harass software developers into biased contracts, where they enter into a sort of indentured servitude in exchange for the ability to

program for Windows with intimate knowledge of how the OS works. This reduces Microsoft's ability to coerce smaller developers in the open market. For comparison, The two other largest OS's, the Mac OS and the various flavors of Unix/Linux whose sizes are significantly smaller than Microsoft's share, have no such restrictions on their development, Apple Computers does not license it's operating systems development tools, they are readily available either online or from the company. Unix and it's major variant Linux, are completely open sourced, with their code and appropriate compilers available almost anywhere. On a side note, Linux and it's various flavors are among the MOST stable operating systems out there, mainly due to the fact that the code is constantly being improved upon by it's millions of users around the world. Whereas Microsoft dismisses it's products' massive security holes as "features", and eventually may get around to patching the problem, Unix programmers are constantly searching for flaws in their systems, if only for the thrill of being the first to produce a viable solution. This may be the best model for large scale business networks to function on, but, that is only wishful thinking. In reality, the Monopoly that is Microsoft is too large to dismantle smoothly in one decision, rather it must be gradually morphed into a competitive company which only survives based on the quality of it's products, like everyone else. Microsoft argues it's only large because it got there for being too good, but in the end this argument is meaningless. US Steel also got big through clever business deals, this by no means infers that it should be allowed to stay that way and abuse it's power if we wish to live in anything resembling a market economy.

Thank You for your time,

Jeffrey Rubenstone